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CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1109

Introduced by Assembly Member ~~Huffman~~ Members *Huffman and Feuer*

(Principal coauthor: Assembly Member Leno)

(Coauthors: Assembly Members Berg, Caballero, DeSaulnier, Feuer, Hancock, Hernandez, Krekorian, Laird, Lieber, Portantino, and Wolk)

(Coauthor: Senator Wiggins)

February 23, 2007

An act to add Article 10.02 (commencing with Section 25210.9) to Chapter 6.5 of Division 20 of, *and to repeal Section 25210.11 of*, the Health and Safety Code, and to add Section 25402.5.4 to the Public Resources Code, relating to energy resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1109, as amended, Huffman. Energy resources: lighting efficiency: hazardous waste.

(1) Existing law, administered by the Department of Toxic Substances Control, prohibits the management of hazardous waste, except in accordance with the hazardous waste laws or the regulations adopted by the department. A violation of the hazardous waste control law is a crime.

~~The State Energy Resources Conservation and Development Commission is required to prescribe, by regulation, standards for energy conservation and efficiency, including the adoption of efficiency standards for outdoor lighting.~~

This bill would enact the California Lighting Efficiency and Toxics Reduction Act and would prohibit, on or after January 1, 2010, a person from selling or offering for sale general purpose lights, as defined, that contain levels of hazardous substances prohibited by the European Union pursuant to the RoHS Directive. A manufacturer would be required to prepare and upon request of the department submit, within a specified time period, technical documentation or other information showing that its general purpose lights for sale or offered for sale in this state comply with the requirements of the RoHS Directive. ~~Every manufacturer of general purpose lights sold in this state and containing hazardous materials would be required to ensure that a system is in place for collection and recycling of end-of-life general purpose lights generated in this state. A violation of the act or a regulation adopted pursuant to the act would be punishable by a specified civil penalty.~~

On or before February 1, 2008, the department, in coordination with the California Integrated Waste Management Board, would be required to convene a task force to consider, and make recommendation's by June 1, 2008, on the most effective and cost-efficient method for the proper collection and recycling of end-of-life general purpose lights generated in this state, as well as methods to educate consumers about proper management and collection opportunities.

Because a violation of ~~this~~ the bill's requirements would be a crime, the bill would impose a state-mandated local program.

(2) The State Energy Resources Conservation and Development Commission is required to prescribe, by regulation, standards for energy conservation and efficiency, including the adoption of efficiency standards for outdoor lighting.

On or before December 31, 2008, ~~the~~ *this bill would require the commission would be required* to adopt minimum energy efficiency standards for all general purpose lights on a schedule specified in regulations. The regulations, in combination with other programs and activities affecting lighting use in the state, would be structured to reduce statewide electrical energy consumption by *not less than* 50% from the 2007 levels for indoor residential lighting and *not less than* 25% from the 2007 levels for indoor commercial and outdoor lighting by 2018. The Department of General Services in coordination with the

commission would be required to end the purchase of general purpose lights in state facilities within 2 years of the adoption of the standards regarding energy consumption limits for all general purpose lights.

Certain defined specialty lighting and ~~special-needs~~ *special-needs* lighting would be exempt from the requirements of this bill. The commission would be authorized, ~~as prescribed, to extend the requirements applicable to general purpose lights to one or more types of speciality lighting due to significant increases in sales to provide for the inclusion or exclusion of a particular type of light from its energy efficiency standards.~~

(2)

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 California Lighting Efficiency and Toxics Reduction Act.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) This state has long been a national and international leader
- 5 on energy conservation and environmental stewardship efforts,
- 6 including the areas of air quality protections, energy efficiency
- 7 requirements, renewable energy standards, natural resource
- 8 conservation, toxic waste reduction, recycling, and greenhouse
- 9 gas emission reduction.
- 10 (b) Energy consumption for lighting accounts for nearly 20
- 11 percent of the state's electricity demand. The energy efficiencies
- 12 of existing lighting technologies vary significantly, and while
- 13 California leads the nation in the use of ~~energy-efficient~~
- 14 *energy-efficient* compact fluorescent lighting, more than 94 percent
- 15 of current light bulb purchases are for less efficient incandescent
- 16 bulbs.
- 17 (c) Transitioning to currently available higher efficiency lighting
- 18 technologies will substantially reduce energy consumption and

1 pollution, including reducing greenhouse gas emissions, while
2 lowering costs to consumers.

3 (d) The goal of the United States Department of Energy's (DOE)
4 Building Technologies Lighting Research and Development
5 Program is to develop and demonstrate energy-efficient,
6 high-quality, long-lasting lighting technologies by 2025 that have
7 the technical capability of illuminating buildings using 50 percent
8 less electricity compared to technologies in 2005.

9 (e) Many existing lighting choices contain toxic materials. Most
10 fluorescent lighting products contain ~~hazardous levels of mercury~~.
11 Most incandescent lighting products contain ~~hazardous levels of~~
12 ~~lead~~. California prohibits disposing of ~~hazardous lighting products~~
13 *lighting products containing hazardous levels of metal* in the solid
14 waste stream. The hazardous material in ~~these waste lighting~~
15 products can be managed through recycling, but ~~current recycling~~
16 ~~opportunities and levels are virtually nonexistent for most~~
17 *opportunities are currently inconvenient or nonexistent for most*
18 consumers.

19 (f) Fluorescent lighting products delivering the same level of
20 light at the same level of efficiency can have ~~widely~~ varying levels
21 of mercury. The California Department of General Services has
22 adopted a procurement preference favoring ~~Leadership in Energy~~
23 ~~and Environmental Design (LEED) compliant~~ low mercury
24 fluorescent lamps.

25 (g) ~~Coal-generated~~ *Coal-generated* electricity in the United
26 States accounts for more than six million tons of mercury emissions
27 annually, and while growth in the use of ~~energy-efficient~~
28 *energy-efficient* fluorescent lighting without expanded recycling
29 will result in increased disposal of mercury in the waste stream,
30 the United States Environmental Protection Agency has concluded
31 that shifting from incandescent lighting to more efficient compact
32 fluorescent lighting will result in a net reduction in total United
33 States mercury emissions due to the displacement of ~~coal-fired~~
34 *coal-fired* electricity generation.

35 (h) It is the intent of the Legislature that the State Energy
36 Resources Conservation and Development Commission develop
37 a strategy for substantially increasing the use of ~~energy-efficient~~
38 *energy-efficient* lighting and phasing out the use of energy
39 inefficient lighting over the next decade.

1 ~~(i) It is the intent of the Legislature that the Department of Toxic~~
2 ~~Substances Control establish a schedule for the phasedown in the~~
3 ~~use of toxic materials in all lighting products.~~

4 ~~(j)~~

5 ~~(i) It is the intent of the Legislature that the Department of Toxic~~
6 ~~Substances Control, in coordination with the Integrated Waste~~
7 ~~Management Board, establish a system for the recycling of~~ *to have*
8 ~~a system established for the recycling of hazardous lighting~~
9 ~~products that is free and convenient for end users.~~

10 SEC. 3. Article 10.02 (commencing with Section 25210.9) is
11 added to Chapter 6.5 of Division 20 of the Health and Safety Code,
12 to read:

13
14 Article 10.02. Lighting Toxics Reduction
15

16 25210.9. (a) On and after January 1, 2010, a person shall not
17 sell or offer for sale in this state general purpose lights that contain
18 levels of hazardous substances that would result in the prohibition
19 of those general purpose lights being sold or offered for sale in the
20 European Union pursuant to the RoHS Directive.

21 (b) A manufacturer shall prepare and, at the request of the
22 department, submit within 28 days of the date of the request,
23 technical documentation or other information showing that the
24 manufacturer's general purpose lights sold or offered for sale in
25 this state comply with the requirements of the RoHS Directive.

26 (c) *A violation of this article or a regulation adopted pursuant*
27 *to this article shall be punishable as follows:*

28 (1) *A person who violates this article or a regulation adopted*
29 *pursuant to this article shall be subject to a civil penalty of up to*
30 *one thousand dollars (\$1,000) for each occurrence, up to a*
31 *maximum of twenty thousand dollars (\$20,000).*

32 (2) *An action for a civil penalty pursuant to this subdivision*
33 *may be brought by a public prosecutor and shall be enforceable*
34 *as a civil judgment.*

35 25210.10. (a) (1) For purposes of this article, "general purpose
36 lights" means lamps, bulbs, tubes, or other electric devices that
37 provide functional illumination for indoor residential, indoor
38 commercial, and outdoor use.

39 (2) General purpose lights do not include any of the following
40 specialty lighting: appliance, black light, bug, colored, infrared,

1 left-hand thread, marine, signal service, mine service, plant light,
2 reflector, rough service, shatter resistant, sign service, silver bowl,
3 showcase, three-way, traffic signal, and vibration service or
4 vibration resistant.

5 (3) General purpose lights do not include lights needed to
6 provide ~~special-needs~~ *special-needs* lighting for individuals with
7 exceptional needs.

8 (b) For purposes of this article, “hazardous material” has the
9 same meaning as defined in Section 25501.

10 ~~25210.11. Every manufacturer of general purpose lights sold~~
11 ~~in this state and containing hazardous materials shall be responsible~~
12 ~~for ensuring that a system is in place to provide for the collection~~
13 ~~and recycling of any end-of-life general purpose lights generated~~
14 ~~in this state.~~

15 *25210.11. (a) On or before February 1, 2008, the department*
16 *shall, in coordination with the California Integrated Waste*
17 *Management Board, convene a task force consisting of, but not*
18 *limited to, representatives of the lighting industry, environmental*
19 *organizations, the recycling industry, individuals and private sector*
20 *entities, local governments, energy utilities, and retailers to*
21 *consider and make recommendations on the most effective and*
22 *cost-efficient method to provide for the proper collection and*
23 *recycling of any end-of-life general purpose lights generated in*
24 *this state, as well as methods to educate consumers about the*
25 *proper management and collection opportunities for end-of-life*
26 *general purpose lights.*

27 *(b) The task force shall conclude its work and make*
28 *recommendations to the Legislature on or before June 1, 2008.*

29 *(c) This section shall remain in effect only until January 1, 2009,*
30 *and as of that date is repealed, unless a later enacted statute that*
31 *is enacted before January 1, 2009, deletes or extends that date.*

32 SEC. 4. Section 25402.5.4 is added to the Public Resources
33 Code, to read:

34 25402.5.4. (a) On or before December 31, 2008, the
35 commission shall adopt minimum energy efficiency standards for
36 all general purpose lights on a schedule specified in the regulations.
37 The regulations, in combination with other programs and activities
38 affecting lighting use in the state, shall be structured to reduce
39 statewide electrical energy consumption by *not less than* 50 percent
40 from the 2007 levels for indoor residential lighting and *by not less*

1 *than* 25 percent from the 2007 levels for indoor commercial and
2 outdoor lighting by 2018.

3 (b) The commission shall make recommendations to the
4 Governor and the Legislature regarding how to continue reductions
5 in electrical consumption for lighting beyond 2018.

6 (c) The commission may establish programs ~~and incentives~~ to
7 encourage the sale in this state of general purpose lights that meet
8 or exceed the standards set forth in subdivision (a).

9 (d) The Department of General Services, in coordination with
10 the commission, shall end the purchase of general purpose lights
11 in state facilities that do not meet the standards adopted pursuant
12 to subdivision (a), within two years of those standards being
13 adopted.

14 (e) For purposes of this section, “general purpose lights” means
15 lamps, bulbs, tubes, or other electric devices that provide functional
16 illumination for indoor residential, indoor commercial, and outdoor
17 use.

18 (1) General purpose lights do not include any of the following
19 specialty lighting: appliance, black light, bug, colored, infrared,
20 left-hand thread, marine, signal service, mine service, plant light,
21 reflector, rough service, shatter resistant, sign service, silver bowl,
22 showcase, three-way, traffic signal, and vibration service or
23 vibration resistant.

24 (2) The commission may ~~determine~~, after one or more public
25 workshops, with public notice and an opportunity for all interested
26 parties to comment, ~~that one or more types of specialty lighting~~
27 ~~listed in paragraph (1) be subject to the same requirements as~~
28 ~~general purpose lights due to significant increases in sales.~~ *provide*
29 *for inclusion or exclusion of a particular type of light from its*
30 *energy efficiency standards.*

31 (3) General purpose lights do not include lights needed to
32 provide ~~special-needs~~ *special-needs* lighting for individuals with
33 exceptional needs.

34 SEC. 5. The provisions of this act are severable. If any
35 provision of this act or its application is held invalid, that invalidity
36 shall not affect other provisions or applications that can be given
37 effect without the invalid provision or application.

38 SEC. 6. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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